

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 12, 1956

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by MR. TEX WILLIAMS, Northside Church of Christ.

Councilman White moved that the Minutes of January 5, 1956 be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

MR. J. C. LANKFORD and REV. OTIS SAULS appeared regarding street lights around the Churches in Govalle and a traffic light at 7th and Springdale. The lights had been authorized, and the Mayor stated the City Manager would find out about the lights and try to get them in. The traffic signal would involve a little study to see if it would be justified.

MRS. MARGARET KELLY appeared regarding obtaining water in front of her property in the 2900 block of Goodwin. The Mayor asked Mrs. Kelly to bring her contract of sale up for record and a statement that it was not explained to her about the water condition. After much discussion, Councilman Long moved that Mrs. Kelly be granted the special tap in that particular area; that a memorandum be sent to the Building Inspector that no building permit is to be allowed on that particular piece of property now unsubdivided until the property is duly and properly subdivided. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller
Noes: Councilman White*

*Councilman White stated that he regretted voting against this because he wanted Mrs. Kelly to have water; but at the same time he had to try to protect the ordinances.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON LOTS 1,2,3,10 AND SOUTH ONE-HALF OF LOTS 11 AND 12, BLOCK 171, ORIGINAL CITY OF AUSTIN AND ALSO THE NORTH ONE-HALF OF LOTS 11 AND 12, BLOCK 171, ORIGINAL CITY OF AUSTIN; IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING THAT CERTAIN ALLEY LYING NORTH OF AND PARALLEL TO EAST FOURTEENTH STREET AND EXTENDING FROM THE EAST LINE OF BRAZOS STREET TO THE WEST LINE OF SAN JACINTO BOULEVARD, TRAVERSING BLOCK 171 OF THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council discussed the wrecker and storage fees. Councilman White made detailed inquiry concerning impounding the cars and the enforcement, stating he wanted impartial enforcement and proper notification to the people whose cars were being placed on the pick-up list. After much discussion, Councilman Pearson moved that the wrecker and storage fees, as recommended by the Police Department, be put into effect. (Wrecker fees from \$3.00 to \$5.00; Impounding fees \$1.00 the first day, and \$1.00 per day storage) The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING BRENTWOOD STREET IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY LEE MANERS, AUTHORIZING AND DIRECTING THE ISSUANCE

OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, for the installation of flashing light signals at the intersection of the railroad and the extension of Oltorf Street, in accordance with the terms and provisions of said contract, as exhibited to the City Council by the City Manager; and,

That the City Clerk is hereby authorized and directed to place and keep an executed copy of said contract in the permanent files of the City Clerk's Office.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor inquired about the paving of Oltorf, as he had a letter from the students of William B. Travis inquiring about it. The Director of Public Works stated as soon as they could get it worked out, they would get started.

Councilman Long introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 67.76 ACRES OF LAND OUT OF THE HENRY P. HILL LEAGUE IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, A. R. Abrams & Sons Inc. is the Contractor for the remodeling of a building and the removal of the awnings located at 800-806 Congress Avenue, and desires a portion of the sidewalk and street space abutting Lots 1 and 2, Block 98, of the Original City of Austin, Travis County, Texas, during the remodeling of the building and the removal of the awnings, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said A. R. Abrams & Sons Inc., the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the north east corner of the above described property; thence in an easterly direction and at right angles to the center line of Congress Avenue to a point 1 foot west of the west curb line; thence in a southerly direction and parallel with the center line of Congress Avenue approximately 46 feet to a point, thence in a westerly and at right angles to the center line of Congress Avenue to the south east corner of Lot #2.

2. THAT the above privileges and allotment of space are granted to the said A. R. Abrams & Sons Inc., hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continually in good condition during the use of said space hereby allotted a substantial walkway at least 10 feet wide on the inside and at least 8 feet high. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at

all times. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work. Upon removal of the present awnings from the building located on Lot 1, the Contractor shall proceed cautiously at night when pedestrian travel is light; roping off the entire area to prevent injury to the public.

(2) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(3) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalks, barricades, materials, equipment and other obstructions shall be removed not later than May 5, 1956.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(10) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2000.) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Pearson offered the following resolution and moved its adoption

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the east side of Red River Street as a private gasoline plant consisting of an 8,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is leased by Superior Dairies, and is Lot 1, Block 13, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Superior Dairies to operate a private gasoline plant consisting of an 8,000 gallon tank and pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Superior Dairies has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 12, 1956

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned have considered the application of Superior Dairies, through John D. Simpson, for permission to operate a private gasoline plant consisting of an 8,000 gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Red River Street, which property is designated as Lot 1, Block 13, of the Original City of Austin, Travis County, Texas and locally known as 201-203 Red River Street.

"This property is located in a "C-2 Commercial" District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspectors Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council had before it the following zoning application postponed from last week:

W. A. BURNS	521-23, 522-24 Sacramento Dr.	From "A" Residence
By Trueman O'Quinn	516-18 Powell Circle	To "LR" Local Retail
	2807-09, 2901-07 South 1st St.	

The Mayor asked those who wished to grant the change to "LR" to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor Miller introduced the following ordinance:

AN ORDINANCE TO AMEND SECTION 19.3 AND SECTION 19.4
OF CHAPTER 19, AUSTIN CITY CODE OF 1954, PERTAINING
TO MILK PRODUCERS' AND DISTRIBUTORS' FEES; AND
DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council welcomed MR. SLACK, the new Assistant Manager of KTBC TV.

Councilman Long moved that the following reappointments and appointments be made to the various Boards:

BOARD OF ADJUSTMENT

Term to expire December 31, 1957

MR. ART WILKE
MR. DAVE SHIPWASH
MR. H. M. TOTLAND

NAVIGATION BOARD

Term to expire January 1, 1958

MR. FORREST PEARSON
MR. R. G. MUELLER
MR. W. B. ACKER (appointed to fill vacancy)

LIBRARY COMMISSION

Term to expire January 1, 1958

MRS. A. W. HARRIS	MRS. HERBERT ASH
MRS. L. C. PROCTER	MRS. ESTHER BUFFLER
MR. F. W. STERNENBERG	MR. EDMUNDS TRAVIS
MR. BILL WEEG	MRS. W. E. SHALLENE
MR. O. DOUGLAS WEEKS	MISS HELEN HARGRAVE
MRS. CLAUDE HILL	MRS. RALPH HANNA
MRS. JOHN BROAD	DR. C. E. CASTANEDA
MR. R. W. PETTWAY (vacancy created by Mrs. Ben Powell, Jr., now living out of city)	

SOLICITATION BOARD

Term to expire November 5, 1957

MR. R. V. MILLER
Vacancy to be filled next week

TRAFFIC AND SAFETY BOARD

MR. JOHN NASH, JR.	MR. HAROLD CRISWELL
MR. GENE RAVEL	MR. JOHN B. VAUGHT
MR. LAWSON BOOTHE	DR. H. K. SNELL
MRS. ROBERT WILLIAMS	

(Three members terms to expire July 1, 1958, and four to expire July 1, 1957)

GREATER EAST AUSTIN DEVELOPMENT COMMITTEE

MR. E. W. JACKSON, SR., Chairman	MR. HERMAN JONES
MR. TOM BEVERLY	MR. VIRGIL LOTT
MR. DAVE LONGORIA	MR. L. A. McALLISTER
MR. TOM GRAHAM	MR. WILLIAM PETRI
MR. WERNER DORNBERGER	MRS. MAXINE LOMBARD
MR. R. M. BAUTISTA	MR. NED A. COLE
MR. THEO YOUNGBLOOD	

CIVIL DEFENSE COUNCIL

MR. J. NEILS THOMPSON	MRS. SUNSHINE WILLIAMS
MR. STORMY DAVIS	MR. JAMES CLAY
MR. GUITON MORGAN	

AIRPORT ZONING BOARD

MR. WALTER GUTTMAN	Appointed by County
MR. JOE MANOR	MR. WILLIAM B. CARSSOW
	MRS. ROBERT P. WAGNER

The fifth member, who is to be the chairman, to be selected by the four members appointed.

The motion, seconded by Councilman White, carried by the following vote:
 Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Council received notice from the City Manager that the following zoning applications had been referred to the Plan Commission and set for public hearing for February 9, 1956:

MRS. L. A. COOK	3714-20 Goodwin Ave.	From "A" Residence
	11326 ³⁴ / ₂ Springdale Rd.	To "C" Commercial

PLANNING COMMISSION	Oldham & Swisher	From "A" Residence 1st H&A
Area study	Streets	To "BB" Residence 2nd H&A

Councilman White offered the following resolution and moved its adoption:

R E S O L U T I O N

WHEREAS, Willie Bell Erwin died on Christmas Day, 1955, while at his post of duty as Assistant Fire Chief of the City of Austin; and,

WHEREAS, Chief Erwin had given thirty-six years, nine months and four days of his sixty-two years of life in the service of his beloved City and its people; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That a page be set apart in the Minutes of the City Council upon which shall be spread this Resolution in the memory of Chief Willie Bell Erwin.

The motion, seconded by Mayor Miller, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long moved that the Council adjourn. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The Council adjourned at 11:35 A.M. subject to the call of the Mayor.

APPROVED

Tom Miller.

ATTEST:

Elvis Hoosley

City Clerk